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Remarks

Claims 13 and 14 stand rejected under 35 USC 112 second paragraph as being indefinite, since the units for the claimed hardness are unclear. In response to this rejection, the Applicant has amended the specification on pages 2 and 4 at which the respective first occurrences of the symbols "HRC" and the "HV" are located in order to define the units to which these abbreviations correspond. The Applicant also encloses a true copy of excerpts from a German-English dictionary of engineering and technology. The dictionary clearly indicates that "HRC" refers to the Rockwell hardness test, scale C. The dictionary also indicates that the designation "HV" refers to Vickers hardness. As is known in the art, the Vickers hardness test also requires designation of the hardness scale which is indicated in paragraph 4 of the specification as well as claim 14 as "micro hardness HV 0.03". This designation of the Vickers hardness scale indicates that the hardness test is carried out with a testing force of 0.3N. Appropriate amendment has therefore been taken in the specification. The specification has therefore been amended to clearly define the abbreviated terminology used in the claims, therefore providing support for that terminology. Since the instant application is the national stage of a German language PCT application, no new matter has been added.

Claims 7, 10, 13 and 14 stand rejected under 35 USC 102(e) as being anticipated by Kobayashi '689. Claims 7, 10, 13 and 14 stand rejected under 35 USC 102(b) as being anticipated by Suzuki '754 or Lev '156. Claims 11 and 12 stand rejected under 35 USC 103(a) as being unpatentable over Kobayashi or Suzuki or Lev as applied above in further view of Inoue JP '242. Claims 8 and 9 stand rejected under 35 USC 103(a)

as being unpatentable over Kobayashi or Suzuki or Lev as applied above in view of Inoue JP '242.

In response to these 35 USC 102 and 103 rejections, the Applicant has amended claim 7 to incorporate the limitations of former claim 8. Additional limitations corresponding to the outer bounds of the series of recitations of ranges in former claim 13 have also been included. Claim 8 has accordingly been cancelled and claim 13 amended. The Applicant respectfully submits that claim 7, as amended, is distinguished from the prior art of record for the following reasons.

Former claim 8 has been rejected using Inoue JP '242 to disclose the content of the steel body with regard to the ranges of carbon, manganese, and sulphur. The Applicant has, however, closely examined the Inoue reference as well as the other references of record and has found no indication of any range corresponding to the sulphur limitation of former claim 8. The Applicant therefore submits that the rejection of former claim 8 on the basis of the Inoue disclosure was incorrect, since Inoue provides no indication for the sulphur range. Nor has the Examiner provided argumentation why that range would be obvious in view of the cited prior art.

In previously rejected claim 13, the Examiner has apparently not given patentable weight to the Rockwell C hardness recitations in that claim since the designation "HRC" was viewed as lacking clarity. By now defining HRC in the specification, the Rockwell hardness values cited in former claim 13 are clear limitations of that claim as well as the analogous recitations in claim 7.

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In particular, the cited range of 25 HRC to 35 HRC in amended claim 7 provides for a relatively low upper bound of hardness for the steel body thereby emphasizing the non-thermally hardened properties thereof. In accordance with the invention, this relatively soft steel body can nevertheless be used for a driving tooth wheel gear, in conjunction with the hard surface coating in a manner, which avoids additional production steps and is therefore more economical without resulting in an eggshell effect. Claim 7 therefore recites limitations, which are missing from prior art, and which have associated advantages not suggested by that prior art and is therefore distinguished from the prior art of reference to an extent that permits patenting. The dependent claims of record inherit the limitations of the amended claim 7 and are therefore similarly distinguished from the prior art of record for the reasons given.

The Applicant respectfully requests passage to issuance. In the alternative, the Applicant requests a non-final Office Action, since a new Office Action must include new grounds of rejection with reference to the sulphur limitation which cannot be deemed to be necessitated by Applicant's amendment.

No new matter has been added in this amendment.

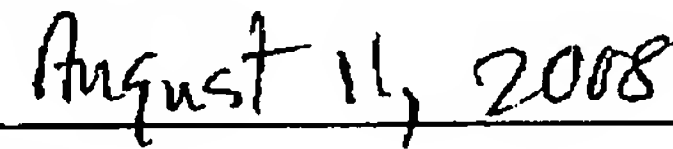
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Respectfully submitted,



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Date

Enclosures:

4 page excerpt from German-English technical dictionary

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